

services, including electricity and water supplies, were being denied to certain Croatian Serb villages, while towns being resettled by Croat refugees and displaced persons benefited from the investment of substantial resources. With regard to freedom of expression, the SR expressed concern about freedom of the media and abuse of this freedom. Referring to the independence of the judiciary, the SR expressed concern about the dismissal, in 1996, of many long-time judges since the basis for the dismissals seemed to be the national backgrounds and political views of the judges, not their professional qualifications.

In addition to the recommendations contained in the first report, the second report recommends that:

- ▶ the independence of the office of the Croatian Ombudsman be rigorously maintained;
- ▶ steps be taken to ensure full freedom of expression, especially in light of the relative availability of independent media voices in Croatia, and decisions and public statements of government officials which indicate an underlying hostility to alternative points of view;
- ▶ the government refrain from retribution against competent judges solely on the basis of their political opinion or national background;
- ▶ training programmes for new judges and continuing judicial education for experienced judges be provided to strengthen the judiciary; and,
- ▶ a fair and impartial local judiciary be established in the region of Eastern Slavonia, Baranja and Western Sirmium, with proportional participation of Croatian Serb jurists.

#### **Expert for the special process on missing persons in the former Yugoslavia**

The report of the special process on missing persons in the former Yugoslavia (E/CN.4/1997/55, Section III), includes commentary on the situation of missing persons in Croatia. The report notes that in 1995 and 1996, the expert transmitted to the government lists of 2,973 missing persons of Serb origin; they allegedly disappeared subsequent to the Croatian offensives, "Flash" and "Storm", launched in May and August 1995 to recapture territories of the UN Protected Areas (UNPA) West, South and North. After the Operations, the Commission for Detained and Missing Persons carried out a number of excavations of mass graves in the former UNPAs West, South and North. The report notes that as of 27 August 1996, a total of 553 bodies, including 212 women, had been discovered in these graves as well as in individual graves. The report cites information indicating that some 2,000 persons of Serb origin are still missing subsequent to the operations "Flash" and "Storm". The report also refers to efforts to secure substantive cooperation between the Croatian Government Commission for Detained and Missing Persons and the Federal Republic of Yugoslavia (FRY) Government Commission for Humanitarian Issues and Missing Persons. It states that, despite the normalization of relations between the two countries, the bilateral Commission has not functioned effectively. Further, clarification of the fate and whereabouts of missing persons in Croatia has been linked to the resolution of missing persons in Bosnia and Herzegovina. The report

expresses the hope that the International Commission on Missing Persons in the Former Yugoslavia (ICMP), in which high-level representatives of the FRY, Croatia and the three parties of Bosnia and Herzegovina participate, will be able to exert more pressure on all parties concerned to disclose all the relevant information they possess.

#### **Resolution of the Commission on Human Rights**

At its 1997 session, the Commission adopted an omnibus resolution on the situation in the territory of the former Yugoslavia (1997/57). In addition to points raised in sections on violations of human rights, general obligations and the International Tribunal, the Commission specifically: called on the government to make a greater effort to adhere to democratic principles and to respect the protection of free and independent media; called for continued cooperation with the UN Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), in particular in respect of property rights and the right to remain, leave or return, and to prevent new flows of refugees from Eastern Slavonia, and restoration of the multi-ethnic character of Eastern Slavonia; called on the government to pursue prosecutions against those suspected of past violations of international humanitarian law and human rights while ensuring the right to fair trial and legal representation; called on the government to prevent harassment, looting and physical attacks against Croatian Serbs; called for guarantees of freedom of the press, including independent television, radio and print media in all parts of the country; called for the government to guarantee local Serb community representation and voice at various levels of local, regional and national government; and called on the government to implement the Amnesty Law enacted in September 1996.

### **THEMATIC REPORTS**

#### *Mechanisms of the Commission on Human Rights*

##### **Religious intolerance, Special Rapporteur on:** (E/CN.4/1997/91, paras. 9, 19, 26)

The Special Rapporteur notes that, with regard to conscientious objection to military service, there have been reported cases of imprisonment for refusal to perform military service.

#### *Mechanisms and Reports of the Sub-Commission*

##### **Peace and security, Report of the S-G to the Sub-Commission:** (E/CN.4/Sub.2/1997/27, paras. 8–10)

The report by the Secretary-General refers to information provided by the government on the question of the use, possession and deployment of nuclear weapons, chemical weapons, fuel-air bombs, napalm bombs, cluster bombs and biological weapons. The government noted the risks that arise from the deployment, possession and use of such weapons for the full enjoyment of human rights and freedoms of all individuals and groups, especially the right to life and the right to security of person. The government noted the prohibition under international humanitarian law on the use of such weapons and stated that there is a need to study the impact of the deployment and use of these weapons and its full support of the disarmament process at both the global and regional levels. The government noted that Croatia does not possess any of these weapons.